

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JULY 1, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 9, 2014

## SENATE BILL

**No. 1253**

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**Introduced by Senator Steinberg**

**(Coauthors: Senators ~~Berryhill, Cannella, Galgiani, Huff, Leno,~~  
~~Lieu, Wolk, and Wyland and Wolk~~)**

(Coauthors: Assembly Members *Gatto*, Mullin, Quirk-Silva, and Ting)

February 20, 2014

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An act to amend Sections 9, 101, 9002, 9004, 9005, 9014, 9030, 9031, 9033, 9034, 9051, 9082.7, ~~9092~~, 9094.5, 9604, and 18621 of the Elections Code, and to amend ~~Section 88006 of the Government Code,~~ relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1253, as amended, Steinberg. Initiative measures.

(1) Under existing law, the text of a proposed initiative measure is required to be submitted to the Attorney General for preparation of a circulating title and summary before the petition may be circulated for signatures. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to jointly develop an estimate of the fiscal impact of the initiative measure and to deliver that fiscal estimate to the Attorney General within 25 working days, except as

specified, for inclusion in the circulating title and summary. Existing law further requires the Secretary of State, upon request of the proponents of an initiative measure, to review the provisions of the initiative measure and to comment on the provisions of the measure with respect to form and language clarity.

This bill would require the Attorney General, upon receipt of a request to prepare the circulating title and summary, to initiate a 30-day public review process for the proposed initiative measure, as specified. The bill would require that the fiscal estimate be prepared jointly by the Department of Finance and the Legislative Analyst. The bill would require the estimate to be delivered to the Attorney General within 50 days of the date of receipt of the proposed initiative measure by the Attorney General instead of 25 working days from the receipt of the final version of the proposed initiative measure.

~~(2) Existing law requires the Attorney General to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election. Existing law requires the Attorney General to prepare a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title. Existing law, including provisions of the Political Reform Act of 1974, requires the Secretary of State to make a copy of the ballot pamphlet available for public examination at least 20 days before the Secretary of State submits the copy to the State Printer.~~

~~This bill would impose specified requirements with respect to the ballot materials required to be prepared by the Attorney General. The bill would extend the number of days, from 20 to 25, that the Secretary of State is required to make the copy of the ballot pamphlet available for public examination.~~

~~(3)~~

(2) Existing law prohibits a petition for a proposed initiative or referendum measure from being circulated prior to the official summary date, and prohibits a petition with signatures on a proposed initiative measure from being filed with the county elections official later than 150 days from the official summary date.

This bill would extend the date that a petition with signatures on a proposed initiative measure is required to be filed with the county elections official to not later than 180 days from the official summary date.

(4)

(3) Existing law requires the Secretary of State to notify the proponents, and immediately transmit to the elections official or registrar of voters of every county or city and county in the state a certificate, when the Secretary of State has received from one or more elections officials or registrars a petition certified to have been signed by the requisite number of qualified voters.

This bill would instead require the Secretary of State to issue a notice directing that signature verification be terminated. The bill would require the Secretary of State to identify the date of the next statewide election and, on the 131st day prior to that election, to issue a certificate of qualification certifying that the initiative measure is qualified for the ballot at that election. The bill would provide that, upon the issuance of that certification, the initiative measure would be deemed qualified for the ballot for purposes of specified provisions of the California Constitution.

~~(5)~~

(4) Under existing law, the Secretary of State is required to transmit copies of an initiative measure and its circulating title and summary to the Senate and the Assembly after the measure is certified to appear on the ballot for consideration by the voters. Existing law requires that each house of the Legislature assign the initiative measure to its appropriate committees, and that the committees hold joint public hearings on the subject of the proposed measure prior to the date of the election at which the measure is to be voted upon, as specified.

This bill would require the Secretary of State to transmit copies of the initiative measure and circulating title and summary to the Legislature after receiving a certification from the initiative proponents, signed under penalty of perjury, that they have collected 25% of the number of signatures needed to qualify the initiative measure for the ballot. The bill would require the appropriate committees of the Senate and Assembly to hold the joint public hearing on the subject of the measure not later than 131 days prior to the date of the election at which the measure is to be voted upon.

~~(6)~~

(5) Existing law requires the Secretary of State to disseminate the complete state ballot pamphlet over the Internet and to establish a process to enable a voter to opt out of receiving the state ballot pamphlet by mail. Existing law requires the Secretary of State to develop a program to utilize modern communications and information processing technology to enhance the availability and accessibility of information

on statewide candidates and ballot initiatives, including making information available online as well as through other information processing technology.

This bill would require the Secretary of State to establish processes to enable a voter to receive the state ballot pamphlet in an electronic format instead of by mail. The bill would also require the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that is easy for voters to access and understand. The Internet Web site would be required to include a summary of each ballot measure and to identify the donors and other sources of funding for the campaigns for and against each ballot measure.

(7)

(6) Existing law authorizes the proponents of a statewide initiative or referendum measure to withdraw the measure at any time before filing the petition with the appropriate elections official. Existing law also requires that state initiative petitions circulated for signature include a prescribed notice to the public.

This bill would authorize the proponents of a statewide initiative or referendum measure to have the measure withdrawn from the ballot at any time before the measure qualifies for the ballot. The bill would require a petition for a statewide initiative measure to contain additional prescribed language in its notice to the public describing the right of proponents to withdraw the measure from the ballot, as specified.

(8)

(7) Existing law makes certain activities relating to the circulation of an initiative, referendum, or recall petition a criminal offense.

This bill would make it a crime for a proponent of a statewide initiative measure to seek, solicit, bargain for, or obtain any money or thing of value of or from any person, firm, or corporation for the purpose of withdrawing an initiative petition after filing it with the appropriate elections official. By establishing a new crime, this bill would impose a state-mandated local program.

(9)

(8) This bill would incorporate additional changes to Section 9031 of the Elections Code proposed by AB 2219 that would become operative if this bill and AB 2219 are both enacted and this bill is enacted last. *The bill would also incorporate additional changes in Section 9082.7 of the Elections Code proposed by SB 844 that would become operative only if SB 844 and this bill are both enacted and this*

*bill is enacted last.* The bill would also incorporate additional changes to Section 18621 of the Elections Code proposed by SB 1043 that would become operative if this bill and SB 1043 are both enacted and this bill is enacted last.

(10)

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(11) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Ballot Initiative Transparency Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) Initiative measures, also known as ballot measures or
- 5 propositions, allow California voters to participate directly in
- 6 lawmaking. California voters have enjoyed the right to enact laws
- 7 through the initiative process since 1911. However, many voters
- 8 find it difficult to understand the language of an initiative measure
- 9 and to learn who is behind an initiative measure.
- 10 (b) It is the intent of the Legislature in enacting this act to update
- 11 the initiative process, which is more than 100 years old, by doing
- 12 all of the following:
- 13 (1) Providing voters with more useful information so that they
- 14 are able to make an informed decision about an initiative measure.
- 15 Under this act, the Secretary of State would be required to give
- 16 voters one-stop access to a clear explanation of each measure and
- 17 information about the individuals and groups behind each measure.
- 18 This would give voters updated information about who is spending
- 19 large sums of money to support or oppose each initiative measure.
- 20 Voters would also be allowed to request an electronic copy of

1 ballot materials, thereby reducing the expenses of printing and  
2 mailing.

3 (2) Providing a voter-friendly explanation of each initiative  
4 measure. The act would require that ballot materials be drafted in  
5 clear and impartial language.

6 (3) Identifying and correcting flaws in an initiative measure  
7 before it appears on the ballot. Currently, proponents of an initiative  
8 measure have few options to correct the language of an initiative  
9 measure or to withdraw a petition for a proposed initiative measure,  
10 even when flaws are identified. This act would give voters an  
11 opportunity to comment on an initiative measure before the petition  
12 is circulated for signatures. Public comment may address perceived  
13 errors in the drafting of, or perceived unintended consequences  
14 of, the proposed initiative measure. By extending the time for  
15 gathering signatures, this act would give the Legislature the  
16 opportunity to hold earlier public hearings to review initiative  
17 measures. This act would also allow the proponents of an initiative  
18 measure to withdraw the measure after the petition and signatures  
19 are submitted to elections officials, but before the measure qualifies  
20 for the ballot.

21 SEC. 3. Section 9 of the Elections Code is amended to read:

22 9. (a) Counting of words, for purposes of this code, shall be  
23 as follows:

24 (1) Punctuation is not counted.

25 (2) Each word shall be counted as one word except as specified  
26 in this section.

27 (3) All proper nouns, including geographical names, shall be  
28 considered as one word; for example, "City and County of San  
29 Francisco" shall be counted as one word.

30 (4) Each abbreviation for a word, phrase, or expression shall be  
31 counted as one word.

32 (5) Hyphenated words that appear in any generally available  
33 standard reference dictionary, published in the United States at  
34 any time within the 10 calendar years immediately preceding the  
35 election for which the words are counted, shall be considered as  
36 one word. Each part of all other hyphenated words shall be counted  
37 as a separate word.

38 (6) Dates shall be counted as one word.

39 (7) Any number consisting of a digit or digits shall be considered  
40 as one word. Any number which is spelled, such as "one," shall

1 be considered as a separate word or words. “One” shall be counted  
2 as one word whereas “one hundred” shall be counted as two words.  
3 “100” shall be counted as one word.

4 (8) Telephone numbers shall be counted as one word.

5 (9) Internet Web site addresses shall be counted as one word.

6 (b) This section shall not apply to counting words for ballot  
7 designations under Section 13107.

8 SEC. 4. Section 101 of the Elections Code is amended to read:

9 101. (a) Notwithstanding any other law, a state or local  
10 initiative petition required to be signed by voters shall contain in  
11 12-point type, before that portion of the petition for voters’  
12 signatures, printed names, and residence addresses, the following  
13 language:

14  
15 “NOTICE TO THE PUBLIC

16  
17 THIS PETITION MAY BE CIRCULATED BY A PAID  
18 SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE  
19 THE RIGHT TO ASK.”

20  
21 (b) A state initiative petition shall contain, in the same location  
22 and type size described in subdivision (a), the following language:

23  
24 “THE PROPONENTS OF THIS PROPOSED INITIATIVE  
25 MEASURE HAVE THE RIGHT TO WITHDRAW THIS  
26 PETITION AT ANY TIME BEFORE THE MEASURE  
27 QUALIFIES FOR THE BALLOT.”

28  
29 SEC. 5. Section 9002 of the Elections Code is amended to read:

30 9002. (a) Upon receipt of a request from the proponents of a  
31 proposed initiative measure for a circulating title and summary,  
32 the Attorney General shall initiate a public review process for a  
33 period of 30 days by doing all of the following:

34 (1) Posting the text of the proposed initiative measure on the  
35 Attorney General’s Internet Web site.

36 (2) Inviting, and providing for the submission of, written public  
37 comments on the proposed initiative measure on the Attorney  
38 General’s Internet Web site. The site shall accept written public  
39 comments for the duration of the public review period. The written  
40 public comments shall be public records, available for inspection

1 upon request pursuant to Chapter 3.5 (commencing with Section  
2 6250) of Division 7 of Title 1 of the Government Code, but shall  
3 not be displayed to the public on the Attorney General's Internet  
4 Web site during the public review period. The Attorney General  
5 shall transmit any written public comments received during the  
6 public review period to the proponents of the proposed initiative  
7 measure.

8 (b) During the public review period, the proponents of the  
9 proposed initiative measure may submit amendments to the  
10 measure that are reasonably germane to the theme, purpose, or  
11 subject of the initiative measure as originally proposed. However,  
12 amendments shall not be submitted if the initiative measure as  
13 originally proposed would not effect a substantive change in law.

14 (1) An amendment shall be submitted with a signed request by  
15 all the proponents to prepare a circulating title and summary using  
16 the amended language.

17 (2) An amendment shall be submitted to the Attorney General's  
18 Initiative Coordinator located in the Attorney General's Sacramento  
19 Office via United States Postal Service, alternative mail service,  
20 or personal delivery. Only printed documents shall be accepted;  
21 facsimile or email delivery shall not be accepted.

22 (3) The submission of an amendment shall not extend the period  
23 to prepare the estimate required by Section 9005.

24 (4) An amendment shall not be accepted more than five days  
25 after the public review period is concluded. However, a proponent  
26 shall not be prohibited from proposing a new initiative measure  
27 and requesting that a circulating title and summary be prepared  
28 for that measure pursuant to Section 9001.

29 SEC. 6. Section 9004 of the Elections Code is amended to read:

30 9004. (a) Upon receipt of the text of a proposed initiative  
31 measure, and after the public review period provided for in Section  
32 9002, the Attorney General shall prepare a circulating title and  
33 summary of the chief purposes and points of the proposed measure.  
34 The circulating title and summary shall not exceed 100 words. The  
35 Attorney General shall also provide a unique numeric identifier  
36 for each proposed initiative measure. The circulating title and  
37 summary shall be prepared in the manner provided for the  
38 preparation of ballot titles and summaries in Article 5 (commencing  
39 with Section 9050), the provisions of which, in regard to the



1 preparation, filing, and settlement of ballot titles and summaries,  
2 are applicable to the circulating title and summary.

3 (b) The Attorney General shall provide a copy of the circulating  
4 title and summary and its unique numeric identifier to the  
5 proponents and to the Secretary of State within 15 days after receipt  
6 of the fiscal estimate or opinion prepared by the Department of  
7 Finance and the Legislative Analyst pursuant to Section 9005. The  
8 date the copy is delivered or mailed to the proponents is the  
9 “official summary date.”

10 (c) Upon receipt of the circulating title and summary from the  
11 Attorney General, the Secretary of State shall, within one business  
12 day, notify the proponents and county elections official of each  
13 county of the official summary date and provide a copy of the  
14 circulating title and summary to each county elections official.  
15 This notification shall also include a complete schedule showing  
16 the maximum filing deadline, and the certification deadline by the  
17 counties to the Secretary of State.

18 SEC. 7. Section 9005 of the Elections Code is amended to read:

19 9005. (a) The Attorney General, in preparing a circulating title  
20 and summary for a proposed initiative measure, shall, in boldface  
21 print, include in the circulating title and summary either the  
22 estimate of the amount of any increase or decrease in revenues or  
23 costs to the state or local government, or an opinion as to whether  
24 or not a substantial net change in state or local finances would  
25 result if the proposed initiative is adopted.

26 (b) The estimate as required by this section shall be made jointly  
27 by the Department of Finance and the Legislative Analyst, who  
28 shall deliver the estimate to the Attorney General so that he or she  
29 may include the estimate in the circulating title and summary  
30 prepared by him or her.

31 (c) The estimate shall be delivered to the Attorney General  
32 within 50 days of the date of receipt of the proposed initiative  
33 measure by the Attorney General, unless, in the opinion of both  
34 the Department of Finance and the Legislative Analyst, a  
35 reasonable estimate of the net impact of the proposed initiative  
36 measure cannot be prepared within the 50-day period. In the latter  
37 case, the Department of Finance and the Legislative Analyst shall,  
38 within the 50-day period, give the Attorney General their opinion  
39 as to whether or not a substantial net change in state or local  
40 finances would result if the proposed initiative measure is adopted.

(d) A statement of fiscal impact prepared by the Legislative Analyst pursuant to subdivision (b) of Section 12172 of the Government Code may be used by the Department of Finance and the Legislative Analyst in the preparation of the fiscal estimate or the opinion.

SEC. 8. Section 9014 of the Elections Code, as amended by Section 2 of Chapter 106 of the Statutes of 2014, is amended to read:

9014. (a) A petition for a proposed initiative or referendum measure shall not be circulated for signatures prior to the official summary date.

(b) Subject to subdivision (d), a petition with signatures for a proposed initiative measure shall be filed with the county elections official not later than 180 days from the official summary date, and a county elections official shall not accept a petition for the proposed initiative measure after that period.

(c) Subject to subdivision (d), a petition for a proposed referendum measure shall be filed with the county elections official not later than 90 days from the date the legislative bill was chaptered by the Secretary of State, and a county elections official shall not accept a petition for the proposed referendum measure after that period.

(d) If the last day to file a petition pursuant to subdivision (b) or (c) is a holiday, as defined in Chapter 7 (commencing with Section 6700) of Division 7 of Title 1 of the Government Code, the petition may be filed with the county elections official on the next business day.

SEC. 9. Section 9030 of the Elections Code is amended to read:

9030. (a) Each section of the petition shall be filed with the elections official of the county or city and county in which it was circulated, but all sections circulated in any county or city and county shall be filed at the same time. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

(b) Within eight days after the filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall determine the total number of signatures affixed to the petition and shall transmit this information to the Secretary of State. If the total number of signatures filed with all elections officials is less than 100 percent of the number of qualified voters required to find

1 the petition sufficient, the Secretary of State shall so notify the  
2 proponents and the elections officials, and no further action shall  
3 be taken with regard to the petition.

4 (c) If the number of signatures filed with all elections officials  
5 is 100 percent or more of the number of qualified voters needed  
6 to declare the petition sufficient, the Secretary of State shall  
7 immediately so notify the elections officials.

8 (d) Within 30 days after this notification, excluding Saturdays,  
9 Sundays, and holidays, the elections official shall determine the  
10 number of qualified voters who have signed the petition. If more  
11 than 500 names have been signed on sections of the petition filed  
12 with an elections official, the elections official shall use a random  
13 sampling technique for verification of signatures, as determined  
14 by the Secretary of State. The random sample of signatures to be  
15 verified shall be drawn in such a manner that every signature filed  
16 with the elections official shall be given an equal opportunity to  
17 be included in the sample. The random sampling shall include an  
18 examination of at least 500 or 3 percent of the signatures,  
19 whichever is greater. In determining from the records of registration  
20 what number of qualified voters have signed the petition, the  
21 elections official may use the duplicate file of affidavits of  
22 registered voters or the facsimiles of voters' signatures, provided  
23 that the method of preparing and displaying the facsimiles complies  
24 with law.

25 (e) The elections official, upon the completion of the  
26 examination, shall immediately attach to the petition, except the  
27 signatures thereto appended, a properly dated certificate, showing  
28 the result of the examination, and shall immediately transmit the  
29 petition and the certificate to the Secretary of State. A copy of this  
30 certificate shall be filed in the elections official's office.

31 (f) If the certificates received from all elections officials by the  
32 Secretary of State establish that the number of valid signatures  
33 does not equal 95 percent of the number of qualified voters needed  
34 to find the petition sufficient, the petition shall be deemed to have  
35 failed to qualify, and the Secretary of State shall immediately so  
36 notify the proponents and the elections officials.

37 (g) If the certificates received from all elections officials by the  
38 Secretary of State total more than 110 percent of the number of  
39 qualified voters needed to find the petition sufficient, the Secretary

1 of State shall certify that the measure is qualified for the ballot as  
2 provided in Section 9033.

3 SEC. 10. Section 9031 of the Elections Code is amended to  
4 read:

5 9031. (a) If the statistical sampling shows that the number of  
6 valid signatures is within 95 to 110 percent of the number of  
7 signatures of qualified voters needed to declare the petition  
8 sufficient, the Secretary of State shall order the examination and  
9 verification of each signature filed, and shall so notify the elections  
10 officials.

11 (b) Within 30 days, excluding Saturdays, Sundays, and holidays,  
12 after receipt of the order, the elections official or registrar of voters  
13 shall determine from the records of registration what number of  
14 qualified voters have signed the petition and if necessary the board  
15 of supervisors shall allow the elections official or registrar  
16 additional assistance for the purpose of examining the petition and  
17 provide for their compensation. In determining from the records  
18 of registration what number of qualified voters have signed the  
19 petition, the elections official or registrar of voters may use any  
20 file or list of registered voters maintained by his or her office, or  
21 the facsimiles of voters' signatures, provided that the method of  
22 preparing and displaying the facsimiles complies with law.

23 (c) The elections official or registrar, upon the completion of  
24 the examination, shall immediately attach to the petition, except  
25 the signatures thereto appended, an amended certificate properly  
26 dated, showing the result of the examination and shall immediately  
27 transmit the petition, together with the amended certificate, to the  
28 Secretary of State. A copy of the amended certificate shall be filed  
29 in the elections official's office.

30 (d) (1) If the amended certificates establish the petition's  
31 sufficiency, the Secretary of State shall certify that the measure is  
32 qualified for the ballot as provided in Section 9033.

33 (2) If the amended certificates received from all elections  
34 officials by the Secretary of State establish that the petition has  
35 still been found insufficient, the Secretary of State shall  
36 immediately so notify the proponents and the elections officials.

37 SEC. 10.5. Section 9031 of the Elections Code is amended to  
38 read:

39 9031. (a) If the statistical sampling shows that the number of  
40 valid signatures is within 95 to 110 percent of the number of

1 signatures of qualified voters needed to declare the petition  
2 sufficient, the Secretary of State shall order the examination and  
3 verification of the signatures filed, and shall so notify the elections  
4 officials.

5 (b) Within 30 days, excluding Saturdays, Sundays, and holidays,  
6 after receipt of the order, the elections official or registrar of voters  
7 shall determine from the records of registration what number of  
8 qualified voters have signed the petition and if necessary the board  
9 of supervisors shall allow the elections official or registrar  
10 additional assistance for the purpose of examining the petition and  
11 provide for their compensation. In determining from the records  
12 of registration what number of qualified voters have signed the  
13 petition, the elections official or registrar of voters may use any  
14 file or list of registered voters maintained by his or her office, or  
15 the facsimiles of voters' signatures, provided that the method of  
16 preparing and displaying the facsimiles complies with law.

17 (c) (1) During the examination and verification of the signatures  
18 filed, the elections official or registrar of voters shall submit one  
19 or more reports to the Secretary of State showing the number of  
20 signatures of qualified voters that have been verified as of that  
21 date. The Secretary of State shall determine the number of reports  
22 required to be submitted and the manner of their submission.

23 (2) The Secretary of State shall maintain a list indicating the  
24 number of verified signatures of qualified voters who have signed  
25 the petition based on the most recent reports submitted pursuant  
26 to paragraph (1). If the Secretary of State determines, prior to each  
27 county's completing the examination of each signature filed, that  
28 based on the list the petition is signed by the requisite number of  
29 voters needed to declare the petition sufficient, the Secretary of  
30 State shall immediately notify the elections official or registrar of  
31 voters of every county or city and county in the state of this fact.  
32 Immediately after receipt of this notification, the elections official  
33 or registrar of voters may suspend signature verification until  
34 receipt of a certificate pursuant to Section 9033 or until otherwise  
35 instructed by the Secretary of State.

36 (d) The elections official or registrar, upon the completion of  
37 the examination or notification pursuant to paragraph (2) of  
38 subdivision (c), shall immediately attach to the petition, except  
39 the signatures thereto appended, an amended certificate properly  
40 dated, showing the result of the examination and shall immediately

1 transmit the petition, together with the amended certificate, to the  
2 Secretary of State. A copy of the amended certificate shall be filed  
3 in the elections official's office.

4 (e) (1) If the amended certificates establish the petition's  
5 sufficiency, the Secretary of State shall certify that the measure is  
6 qualified for the ballot as provided in Section 9033.

7 (2) If the amended certificates received from all elections  
8 officials by the Secretary of State establish that the petition has  
9 still been found insufficient, the Secretary of State shall  
10 immediately so notify the proponents and the elections officials.

11 SEC. 11. Section 9033 of the Elections Code is amended to  
12 read:

13 9033. (a) When the Secretary of State has received from one  
14 or more elections officials or registrars a petition, certified to have  
15 been signed by the requisite number of qualified voters, the  
16 Secretary of State shall forthwith notify the proponents and  
17 immediately transmit to the elections official or registrar of voters  
18 of every county or city and county in the state a notice directing  
19 that signature verification be terminated.

20 (b) (1) In the case of an initiative measure, the Secretary of  
21 State shall identify the date of the next statewide general election  
22 as defined in subdivision (a) of Section 9016, or the next special  
23 statewide election, that will occur not less than 131 days after the  
24 date the Secretary of State receives a petition certified to have been  
25 signed by the requisite number of qualified voters.

26 (2) On the 131st day prior to the date of the election identified  
27 pursuant to paragraph (1), the Secretary of State shall do all of the  
28 following:

29 (A) Issue a certificate of qualification certifying that the  
30 initiative measure, as of that date, is qualified for the ballot at the  
31 election identified pursuant to paragraph (1).

32 (B) Notify the proponents of the initiative measure and the  
33 elections official of each county that the measure, as of that date,  
34 is qualified for the ballot at the election identified pursuant to  
35 paragraph (1).

36 (C) Include the initiative measure in a list of all statewide  
37 initiative measures that are eligible to be placed on the ballot at  
38 the election identified pursuant to paragraph (1) and publish the  
39 list on the Secretary of State's Internet Web site.

1 (3) Upon the issuance of a certificate of qualification pursuant  
2 to paragraph (2), an initiative measure shall be deemed qualified  
3 for the ballot for purposes of subdivision (c) of Section 8 of Article  
4 II of the California Constitution.

5 (c) (1) In the case of a referendum measure, upon receipt of a  
6 petition certified to have been signed by the requisite number of  
7 qualified voters, the Secretary of State shall do all of the following:

8 (A) Issue a certificate of qualification certifying that the  
9 referendum measure, as of that date, is qualified for the ballot.

10 (B) Notify the proponents of the referendum measure and the  
11 elections official of each county that the measure, as of that date,  
12 is qualified for the ballot.

13 (C) Include the referendum measure in a list of all statewide  
14 referendum measures that have qualified for the ballot and publish  
15 the list on the Secretary of State's Internet Web site.

16 (2) Upon the issuance of a certificate of qualification pursuant  
17 to paragraph (1), a referendum measure shall be deemed qualified  
18 for the ballot for purposes of subdivision (c) of Section 9 of Article  
19 II of the California Constitution.

20 SEC. 12. Section 9034 of the Elections Code is amended to  
21 read:

22 9034. (a) The proponents of a proposed initiative measure  
23 shall submit a certification, signed under penalty of perjury, to the  
24 Secretary of State immediately upon the collection of 25 percent  
25 of the number of signatures needed to qualify the initiative measure  
26 for the ballot.

27 (b) Upon the receipt of the certification required by subdivision  
28 (a), the Secretary of State shall transmit copies of the initiative  
29 measure, together with the circulating title and summary as  
30 prepared by the Attorney General pursuant to Section 9004, to the  
31 Senate and the Assembly. Each house shall assign the initiative  
32 measure to its appropriate committees. The appropriate committees  
33 shall hold joint public hearings on the subject of the measure not  
34 later than 131 days before the date of the election at which the  
35 measure is to be voted upon.

36 (c) This section shall not be construed as authority for the  
37 Legislature to alter the initiative measure or prevent it from  
38 appearing on the ballot.

39 SEC. 13. Section 9051 of the Elections Code is amended to  
40 read:

1 9051. (a) (1) The ballot title and summary may differ from  
2 the legislative, circulating, or other title and summary of the  
3 measure and shall not exceed 100 words, not including the fiscal  
4 impact statement.

5 (2) The ballot title and summary shall include a summary of the  
6 Legislative Analyst's estimate of the net state and local government  
7 fiscal impact prepared pursuant to Section 9087 of this code and  
8 Section 88003 of the Government Code.

9 (b) The ballot label shall not contain more than 75 words and  
10 shall be a condensed version of the ballot title and summary  
11 including the financial impact summary prepared pursuant to  
12 Section 9087 of this code and Section 88003 of the Government  
13 Code.

14 (c) In providing the ballot title and summary, the Attorney  
15 General shall give a true and impartial statement of the purpose  
16 of the measure in such language that the ballot title and summary  
17 shall neither be an argument, nor be likely to create prejudice, for  
18 or against the proposed measure. ~~The ballot title and summary~~  
19 ~~shall also satisfy all of the following:~~

20 ~~(1) Be written in clear and concise terms, understandable to the~~  
21 ~~average voter, and in an objective and nonpartisan manner,~~  
22 ~~avoiding the use of technical terms whenever possible.~~

23 ~~(2) If the measure imposes or increases a tax or fee, the type~~  
24 ~~and amount of the tax or fee shall be described.~~

25 ~~(3) If the measure repeals existing law in any substantial manner,~~  
26 ~~that fact shall be included.~~

27 ~~(4) If the measure is contingent on the passage or defeat of~~  
28 ~~another measure or statute, that fact shall be included.~~

29 ~~(d) The Legislature shall provide the Attorney General with~~  
30 ~~sufficient funding for administrative and other support relating to~~  
31 ~~preparation of the ballot title and summary for initiative measures,~~  
32 ~~including, but not limited to, plain-language specialists.~~

33 (e)

34 (d) The Attorney General shall invite and consider public  
35 comment in preparing each ballot title and summary.

36 SEC. 14. Section 9082.7 of the Elections Code is amended to  
37 read:

38 9082.7. (a) The Secretary of State shall make available the  
39 complete state ballot pamphlet over the Internet.



(b) The Secretary of State shall create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand. The information shall include all of the following:

(1) A summary of the ballot measure's content.

(2) A current list of the top 10 contributors supporting and opposing the ballot measure, as compiled by the Fair Political Practices Commission pursuant to subdivision (e) of Section 84223 of the Government Code.

(3) (A) A list of each committee primarily formed to support or oppose the ballot measure, as described in Section 82047.5 of the Government Code, and a means to access information about the sources of contributions reported for each committee.

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) If a committee identified in subparagraph (A) receives at least one million dollars (\$1,000,000) in contributions for an election, the Secretary of State shall provide a means to access online information about the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to subdivision (a) of Section 84223 of the Government Code.

(D) Notwithstanding paragraph (1) of subdivision (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide any list of top 10 contributors created pursuant to Section 84223 of the Government Code, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

(4) Any other information deemed relevant by the Secretary of State.

*SEC. 14.5. Section 9082.7 of the Elections Code is amended to read:*

9082.7. (a) The Secretary of State shall ~~disseminate~~ *make available* the complete state ballot pamphlet over the Internet. *The online version of the state ballot pamphlet shall contain all of the following:*

1     (1) For each candidate listed in the pamphlet, a means to access  
2 campaign contribution disclosure reports for the candidate that  
3 are available online.

4     (2) For each state ballot measure listed in the pamphlet, a means  
5 to access the consolidated information specified in subdivision  
6 (b).

7     (b) The Secretary of State shall create an Internet Web site, or  
8 use other available technology, to consolidate information about  
9 each state ballot measure in a manner that is easy for voters to  
10 access and understand. The information shall include all of the  
11 following:

12         (1) A summary of the ballot measure's content.

13         (2) The total amount of reported contributions made in support  
14 of and opposition to the ballot measure, calculated and updated  
15 as follows:

16             (A) (i) The total amount of contributions in support of the ballot  
17 measure shall be calculated by adding together the total amounts  
18 of contributions made in support of the ballot measure and reported  
19 in semiannual statements required by Section 84200 of the  
20 Government Code, preelection statements required by Section  
21 84200.5 of the Government Code, campaign statements required  
22 by Section 84202.3 of the Government Code, and late contribution  
23 reports required by Section 84203 of the Government Code, that  
24 are reported within 16 days of the election at which the measure  
25 will appear on the ballot.

26             (ii) The total amount of contributions in opposition to the ballot  
27 measure shall be calculated by adding together the total amounts  
28 of contributions made in opposition to the ballot measure and  
29 reported in semiannual statements required by Section 84200 of  
30 the Government Code, preelection statements required by Section  
31 84200.5 of the Government Code, campaign statements required  
32 by Section 84202.3 of the Government Code, and late contribution  
33 reports required by Section 84203 of the Government Code, that  
34 are reported within 16 days of the election at which the measure  
35 will appear on the ballot.

36             (iii) For purposes of determining the total amount of reported  
37 contributions pursuant to this subparagraph, the Secretary of State  
38 shall, to the extent practicable with respect to committees primarily  
39 formed to support or oppose a ballot measure, do both of the  
40 following:

1     (I) Ensure that transfers of funds between primarily formed  
2 committees are not counted twice.

3     (II) Treat a contribution made to a primarily formed committee  
4 that supports or opposes more than one state ballot measure as if  
5 the total amount of that contribution was made for each state ballot  
6 measure that the committee supports or opposes.

7     (B) The total amount of reported contributions calculated under  
8 this paragraph for each state ballot measure shall be updated not  
9 later than five business days after receipt of a semiannual  
10 statement, campaign statement, or preelection statement and not  
11 later than two business days after receipt of a late contribution  
12 report within 16 days of the election at which the measure will  
13 appear on the ballot.

14     (C) The total amount of reported contributions calculated under  
15 this paragraph for each state ballot measure shall be accompanied  
16 by an explanation that the contribution totals may be overstated  
17 due to the inclusion of contributions made to committees supporting  
18 or opposing more than one state ballot measure, as required by  
19 subclause (II) of clause (iii) of subparagraph (A).

20     (3) A current list of the top 10 contributors supporting and  
21 opposing the ballot measure, if compiled by the Fair Political  
22 Practices Commission pursuant to subdivision (e) of Section 84223  
23 of the Government Code.

24     (4) (A) A list of each committee primarily formed to support  
25 or oppose the ballot measure, as described in Section 82047.5 of  
26 the Government Code, and a means to access information about  
27 the sources of funding reported for each committee.

28     (B) Information about the sources of contributions shall be  
29 updated as new information becomes available to the public  
30 pursuant to the Political Reform Act of 1974 (Title 9 (commencing  
31 with Section 81000) of the Government Code).

32     (C) If a committee identified in subparagraph (A) receives one  
33 million dollars (\$1,000,000) or more in contributions for an  
34 election, the Secretary of State shall provide a means to access  
35 online information about the committee's top 10 contributors  
36 reported to the Fair Political Practices Commission pursuant to  
37 subdivision (a) of Section 84223 of the Government Code.

38     (D) Notwithstanding paragraph (1) of subdivision (c) of Section  
39 84223 of the Government Code, the Fair Political Practices  
40 Commission shall automatically provide any list of top 10

1 contributors created pursuant to Section 84223 of the Government  
2 Code, and any subsequent updates to that list, to the Secretary of  
3 State for purposes of compliance with this section.

4 (5) Any other information deemed relevant by the Secretary of  
5 State.

6 ~~SEC. 15. Section 9092 of the Elections Code is amended to~~  
7 ~~read:~~

8 ~~9092. Not less than 25 days before he or she submits the copy~~  
9 ~~for the ballot pamphlet to the State Printer, the Secretary of State~~  
10 ~~shall make the copy available for public examination. Any elector~~  
11 ~~may seek a writ of mandate requiring any copy to be amended or~~  
12 ~~deleted from the ballot pamphlet. A peremptory writ of mandate~~  
13 ~~shall issue only upon clear and convincing proof that the copy in~~  
14 ~~question is false, misleading, or inconsistent with the requirements~~  
15 ~~of this code or Chapter 8 (commencing with Section 88000) of~~  
16 ~~Title 9 of the Government Code, and that issuance of the writ will~~  
17 ~~not substantially interfere with the printing and distribution of the~~  
18 ~~ballot pamphlet as required by law. Venue for a proceeding under~~  
19 ~~this section shall be exclusively in Sacramento County. The~~  
20 ~~Secretary of State shall be named as the respondent and the State~~  
21 ~~Printer and the person or official who authored the copy in question~~  
22 ~~shall be named as real parties in interest. If the proceeding is~~  
23 ~~initiated by the Secretary of State, the State Printer shall be named~~  
24 ~~as the respondent.~~

25 ~~SEC. 16.~~

26 ~~SEC. 15.~~ Section 9094.5 of the Elections Code is amended to  
27 read:

28 9094.5. (a) The Secretary of State shall establish processes to  
29 enable a voter to do both of the following:

30 (1) Opt out of receiving by mail the state ballot pamphlet  
31 prepared pursuant to Section 9081.

32 (2) When the state ballot pamphlet is available, receive either  
33 the state ballot pamphlet in an electronic format or an electronic  
34 notification making the pamphlet available by means of online  
35 access.

36 (b) The processes described in subdivision (a) shall become  
37 effective only after the Secretary of State certifies that the state  
38 has a statewide voter registration database that complies with the  
39 federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et  
40 seq.).

1 (c) The processes described in subdivision (a) shall not apply  
2 where two or more registered voters have the same postal address  
3 unless each voter who shares the same postal address has chosen  
4 to discontinue receiving the ballot pamphlet by mail.

5 (d) The Secretary of State shall also establish a procedure to  
6 permit a voter to begin receiving the ballot pamphlet by mail again  
7 after the voter has discontinued receiving it pursuant to subdivision  
8 (a).

9 ~~SEC. 17.~~

10 *SEC. 16.* Section 9604 of the Elections Code is amended to  
11 read:

12 9604. (a) Notwithstanding any other law, any person may  
13 engage in good faith bargaining between competing interests to  
14 secure legislative approval of matters embraced in a statewide or  
15 local initiative or referendum measure, and the proponents may,  
16 as a result of these negotiations, withdraw the measure at any time  
17 before filing the petition with the appropriate elections official.

18 (b) In addition to the procedure under subdivision (a), the  
19 proponents of a statewide initiative or referendum measure may  
20 withdraw the measure after filing the petition with the appropriate  
21 elections official at any time before the Secretary of State certifies  
22 that the measure has qualified for the ballot pursuant to Section  
23 9033.

24 (c) Withdrawal of a statewide initiative or referendum measure  
25 shall be effective upon receipt by the Secretary of State of a written  
26 notice of withdrawal, signed by all proponents of the measure.

27 (d) Withdrawal of a local initiative or referendum measure shall  
28 be effective upon receipt by the appropriate local elections official  
29 of a written notice of withdrawal, signed by all proponents of the  
30 measure.

31 ~~SEC. 18.~~

32 *SEC. 17.* Section 18621 of the Elections Code is amended to  
33 read:

34 18621. Any proponent of an initiative or referendum measure  
35 or recall petition who seeks, solicits, bargains for, or obtains any  
36 money or thing of value of or from any person, firm, or corporation  
37 for the purpose of abandoning the same or stopping the circulation  
38 of petitions concerning the same, or failing or neglecting or  
39 refusing to file the measure or petition in the office of the elections  
40 official or other officer designated by law within the time required

1 by law after obtaining the number of signatures required under the  
2 law to qualify the measure or petition, or withdrawing an initiative  
3 petition after filing it with the appropriate elections official, or  
4 performing any act that will prevent or aid in preventing the  
5 initiative, referendum, or recall proposed from qualifying as an  
6 initiative or referendum measure, or resulting in a recall election  
7 is punishable by a fine not exceeding five thousand dollars (\$5,000)  
8 or by imprisonment pursuant to subdivision (h) of Section 1170  
9 of the Penal Code for 16 months or two or three years, or in a  
10 county jail not exceeding one year, or by both that fine and  
11 imprisonment.

12 ~~SEC. 18.5.~~

13 *SEC. 17.5.* Section 18621 of the Elections Code is amended  
14 to read:

15 18621. Any proponent of an initiative or referendum measure,  
16 recall petition, or political party qualification petition who seeks,  
17 solicits, bargains for, or obtains any money or thing of value of or  
18 from any person, firm, or corporation for the purpose of abandoning  
19 the same or stopping the circulation of petitions concerning the  
20 same, or failing or neglecting or refusing to file the measure or  
21 petition in the office of the elections official or other officer  
22 designated by law within the time required by law after obtaining  
23 the number of signatures required under the law to qualify the  
24 measure or petition, or withdrawing an initiative petition after  
25 filing it with the appropriate elections official, or performing any  
26 act that will prevent or aid in preventing the initiative, referendum,  
27 recall, or political party proposed from qualifying as an initiative  
28 or referendum measure, resulting in a recall election, or qualifying  
29 as a political party by a political party qualification petition is  
30 punishable by a fine not exceeding five thousand dollars (\$5,000)  
31 or by imprisonment pursuant to subdivision (h) of Section 1170  
32 of the Penal Code for 16 months or two or three years, or in a  
33 county jail not exceeding one year, or by both that fine and  
34 imprisonment.

35 ~~SEC. 19.~~ Section 88006 of the Government Code is amended  
36 to read:

37 88006. ~~Not less than 25 days before he or she submits the copy~~  
38 ~~for the ballot pamphlet to the State Printer, the Secretary of State~~  
39 ~~shall make the copy available for public examination. Any elector~~  
40 ~~may seek a writ of mandate requiring the copy to be amended or~~

deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading or inconsistent with the requirements of this chapter or the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent.

~~SEC. 20.~~

*SEC. 18.* Section 10.5 of this bill incorporates amendments to Section 9031 of the Elections Code proposed by both this bill and Assembly Bill 2219. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9031 of the Elections Code, and (3) this bill is enacted after Assembly Bill 2219, in which case Section 10 of this bill shall not become operative.

*SEC. 19.* Section 14.5 of this bill incorporates amendments to Section 9082.7 of the Elections Code proposed by both this bill and Senate Bill 844. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9082.7 of the Elections Code, and (3) this bill is enacted after Senate Bill 844, in which case Section 14 of this bill shall not become operative.

~~SEC. 21.~~

*SEC. 20.* Section 18.5 17.5 of this bill incorporates amendments to Section 18621 of the Elections Code proposed by both this bill and Senate Bill 1043. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 18621 of the Elections Code, and (3) this bill is enacted after Senate Bill 1043, in which case Section 18 17 of this bill shall not become operative.

~~SEC. 22.~~

*SEC. 21.* No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

6 ~~SEC. 23. The Legislature finds and declares that this bill~~  
7 ~~furtheres the purposes of the Political Reform Act of 1974 within~~  
8 ~~the meaning of subdivision (a) of Section 81012 of the Government~~  
9 ~~Code.~~

O